

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE DIGITEK®

PRODUCTS LIABILITY LITIGATION

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

NOTICE OF VIDEO DEPOSITION

Please take notice that the Plaintiffs Steering Committee will take the reconvened video deposition of **Daniel Bitler** before a court reporter or other official authorized by law to take depositions, on **Friday, May 7, 2010, at 9:00 a.m.** to be conducted at the offices of **Harris Beach PLLC, 100 Wall St., New York, New York, 10005** at which time and place you are notified to appear and take such part of said deposition as may be proper.

This deposition will be recorded stenographically and on videotape, and will comply with any relevant orders in this MDL. This deposition is noticed in the above-captioned matter for any and all purposes permitted by the Federal Rules of Civil Procedure, and any other federal, state, or local rules that apply to this action and the deposition will be taken in accordance with these rules. The oral examination will continue from day to day until completed.

Dated: April 21, 2010

Respectfully submitted,

On Behalf of the Plaintiffs' Steering
Committee

s/Fred Thompson, III Esq. _____

Fred Thompson, III, Esq.

Motley Rice, LLC

28 Bridgeside Blvd.

Mt. Pleasant, SC 29464

Co- Lead Counsel

Carl N. Frankovitch, Esq.

Frankovitch, Anetakis, Colantonio & Simon

337 Penco Road

Weirton, WV 26062

Co- Lead Counsel

Harry F. Bell, Jr., Esq.

The Bell Law Firm PLLC

P. O. Box 1723

Charleston, WV 25326

Co-Lead and Liaison Counsel

EXHIBIT A

EXHIBIT "A"

SUBPOENA DUCES TECUM

Pursuant to the Rule 30(b)(2) of the Federal Rules of Civil Procedure, the witness shall bring the following documents to the deposition:

1. Curriculum vitae; and
2. All documents deponent reviewed in preparation for deposition.

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

In Re: Products Liability Litigation

Plaintiff

v.

Defendant

Civil Action No. MDL No. 1968

(If the action is pending in another district, state where:
Southern District of West Virginia)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Daniel Bitler, by and through his attorney, Michael Anderton, Esq., Tucker Ellis & West LLP.

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Harris Beach PLLC
100 Wall Street
New York, NY 10005

Date and Time:

05/07/2010 9:00 am

The deposition will be recorded by this method: Transcription and videotape

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:
See Exhibit "a"

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/21/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk_____
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____ Plaintiffs

_____, who issues or requests this subpoena, are:
Fred Thompson III, Meghan Johnson Carter, Motley Rice LLC, PO Box 1792, Mt. Pleasant, SC 29465, (843) 216-9000,
fthompson@motleyrice.com.

Civil Action No. MDL No. 1968

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2010, the above notice was emailed to counsel for Actavis Totowa LLC, et al. I also certify that on April 21, 2010, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/Fred Thompson, III Esq. _____
Fred Thompson, III, Esq.
Motley Rice, LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
Co- Lead Counsel